

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

MICHAL KONOPKA and DRAGAN BOSOTINA, and on behalf of themselves and all others similarly situated, PLUMBERS UNION LOCAL NO. 1 OF THE UNITED ASSOCIATION OF JOURNEYMEN AND APPRENTICES OF THE PLUMBING AND FITTING INDUSTRY OF THE UNITED STATES AND CANADA, TRUSTEES OF THE PLUMBERS LOCAL UNION NO. 1 WELFARE FUND, TRADE EDUCATION FUND, 401(k) SAVINGS PLAN, and TRUSTEES OF THE UNITED ASSOCIATION NATIONAL PENSION FUND,

*Plaintiffs,*

v.

PACE PLUMBING CORP., PACE PLUMBING DELAWARE CORP., THE PACE COMPANIES NEW YORK, LLC, PACE FIELD SERVICES, LLC d/b/a PACE MECHANICAL, and EAGLESTONE, LLC d/b/a EAGLESTONE NY, LLC, and ATERIAN INVESTMENT MANAGEMENT, LP d/b/a ATERIAN INVESTMENT PARTNERS,

*Defendants.*

Case No.: 1:25-cv-00811-RER-CLP

**STIPULATION AND [PROPOSED] ORDER EXTENDING  
ATERIAN'S TIME TO RESPOND TO THE AMENDED COMPLAINT**

**WHEREAS**, Plaintiffs filed a Complaint against the above-named Defendants on February 12, 2025 (ECF No. 1);

**WHEREAS**, on March 12, 2025, Plaintiffs filed an Amended Complaint (ECF No. 8) naming Aterian Investment Management LP d/b/a Aterian Investment Partners ("Aterian") as a Defendant in the above action;

**WHEREAS**, Plaintiffs commenced service on Aterian via the Secretary of State on March 27, 2025 (ECF No. 15), and the Secretary of State mailed the Summons and Amended Complaint to Aterian on April 10, 2025;

**WHEREAS**, on April 18, 2025, Plaintiffs filed a Request for Certificate of Default against Aterian and other Defendants (ECF No. 21), which was denied on April 25, 2025, pursuant to Local Rule 55.1(a)(4), with instructions from the Court to re-file the request with a certificate of service demonstrating that the Request for Certificate of Default was served on Defendants;


**WHEREAS**, on April 22, 2025, Aterian received the Summons and Amended Complaint by mail; and

**WHEREAS**, the undersigned counsel for the respective parties have conferred, and Plaintiffs have agreed not to re-file the Request for Certificate of Default (ECF No. 21) against Aterian and to extend Aterian's time to answer, move, or otherwise respond to the Amended Complaint;

**NOW, THEREFORE**, the undersigned parties to this action, by their respective undersigned attorneys, **STIPULATE** and **AGREE** that:

1. Plaintiffs agree not to include Aterian in a re-filed Request for Certificate of Default;
2. The time for Aterian to answer, move to dismiss, or otherwise respond to the Amended Complaint is hereby extended to and includes May 21, 2025; and
3. Nothing herein shall be deemed to constitute a waiver of any of Aterian's rights, defenses, or objections with respect to the claims set forth in the Amended Complaint.

Date: April 25, 2025

By: /s/ 

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*Attorneys for Plaintiff Trustees of the  
Plumbers Local Union No. 1 Welfare Fund,  
Trade Education Fund, 401(k) Savings Plan,  
United Association National Pension Fund,  
and International Training Fund*

**IT IS SO ORDERED.**

Dated: April 28, 2025

/s/ Cheryl L. Pollak

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Hon. Cheryl L. Pollak

United States Magistrate Judge